IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No.3795 of 1994

Date of Decision: October 11, 2007

Gurdawara Committee Thara Sahib .....Petitioner

Versus

Managing Committee, Sh.Guru Tegh Bahadur .....Respondent

CORAM:- HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.HS Thiara, Advocate for the petitioner.

S. D. ANAND, J.

1. An ex parte decree dated 23.7.1980 was passed by the learned Trial Court in favour of plaintiff-respondent and against the defendant-petitioners. A plea under Order 9 Rule 13 of the Code of Civil Procedure for the setting aside of the ex parte decree aforementioned was declined by the then learned Sub Judge Ist Class, Jalandhar vide order dated 22.7.1985. The first appeal against that order was declined by the then learned Additional district Judge, Jalandhar on 7.3.1994.

2. The defendant-petitioner is in revision.

3. Apart from non-suiting the petitioner for want of sufficiency of grounds to set aside the impugned ex parte decree, the learned First Appellate Court also held the plea under Order 9 Rule 13 of the Code of Civil Procedure to be time barred and it further noticed that the petitioner

had no locus standi to file the application as the impugned ex parte decree had been passed against petitioner – Gurdawara Parbandhak Committee, Hazara through one Harnam Singh; whereas the application under Order 9 Rule 13 of the Code of Civil Procedure had been filed by Gurdawara Committee through one Ajit Singh. It was noticed that no oral or documentary evidence had been adduced to prove that it is aforementioned Ajit Singh who is the President of Gurdwara Prabandhak Committee.

4. Learned counsel for the petitioner argues that the findings recorded by both the Courts proceed on a factually incorrect premise inasmuch as the person through whom the petitioner had been sued was never the President of the Gurdwara Prabandhak Committee and further that it is Ajit Singh only who was the President of that Committee.

5. In support of the plea aforementioned, learned counsel wanted to show to this Court photo copies of the proceedings taken by the Gurdwara Parbandhak Committee at different points of time. The learned counsel was called upon to invite the attention of this Court to whatever relevant material is available on the file. He was also requested to indicate if the factual averments made by the learned First Appellate Court were not relatable to the material obtaining on the file. Learned counsel could not offer any reaction to that inasmuch as he was not in a position to invite the attention of this Court to any oral or documentary evidence on the file which may be in contradiction to the factual premise noticed by the learned First Appellate Court.

6. In the light of the foregoing discussion, it is apparent that the findings recorded by the learned Trial Court and also the learned First Appellate Court do not call for any interference.

7. Dismissed.

(S. D. ANAND)
October 11, 2007 **JUDGE**
SRM

Note: Whether referred to reporter ? Yes/No